

REMARKS

The present application was filed on November 9, 2000 with claims 1 through 35. Claims 3, 6-16, 19, 22-31, and 33-36 were cancelled in previous responses. Claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 are presently pending in the above-identified patent application. Claims 1, 17, and 32 are proposed to be amended herein.

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 under 35 U.S.C. §103(a) as being unpatentable over Woolston (United States Patent Number 6,266,651 B1) in view of Gulati et al. (United States Patent Number 6,778,968) and further in view of Gary (United States Patent Number 6,618,707 B1).

Section 112 Rejections

Claims 1, 2, 4, 5, 17, 18, 20, 21, and 32 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that it is not clear what the Applicants mean by the terms “pull market” and “push market segments” and it is not clear how the pull market and push market are related to the step of establishing a plurality of market segments in said secondary market. The Examiner asserts that the step of establishing a plurality of market segments in said secondary market will be performed the same way regardless of this limitation and that the wherein clause describes the market participant and not the market segment. The Examiner further asserts that this limitation is interpreted as non-functional descriptive material describing the market participants that have no bearing on how the steps of the claim are performed.

Applicant notes that the present disclosure teaches:

A push market 210 is the region where the market participants 400 posts their corresponding bids (buy and sell) and can monitor responses to these bids. As shown in FIG. 2, a push market 210 further comprises one or more market segments 215-N, each corresponding to a group of other market participants 400 to which the respective market participant 400 is willing to announce its bids. In FIG. 2, market participant 400-1 has defined three market segments 215 inside

the push market 210 corresponding to three groupings of market participants 400. A first grouping 215-1 of participants includes only participant B, a second grouping 215-2 of participants includes participants C and D; and a third grouping 215-3 of participants includes only company E. Market participant 400-2 (Company B), on the other hand, defines a different market structure for its push market 210. Market participant 400-2 defines three market segments 225-1 through 225-3, corresponding to three groupings of participants, as follows A; C and D; and E, respectively. The manner in which the market participants 400 establish and update a desired market structure is discussed further below in conjunction with FIGS. 4 and 7.
(Page 7, lines 7-21; emphasis added.)

As shown in FIG. 2, a pull market 220-N is comprised of a single region where the market participants 400 can monitor posted bids from other market participants 400. However, the contents in the pull market 220-N may vary depending on the corresponding market participants 400. Generally, and as discussed further below, the pull market 220 of a given participant 400 is determined based on the market segments defined by all other market participants 400 that include the given market participant 400. In other words, the push market structure defined by other market participants 400 determines the pull market of a given market participant 400. Thus, the "pull" market of a participant is determined as the result of invitations from other market participants 400 given as the push market structure definitions. If company A is listed in the push market structure for three other market participants 400, then company A's pull market will contain bids from these three companies. As shown in FIG. 2, bids from companies A, C, D, and E are visible for market participant 400-2 (Company B). Market participant 400-1 (Company A), on the other hand, can monitor bids only from three market participants 400, namely, participants B, D and E. Thus, the present invention allows bids that are visible to each company to vary, in contrast to the public bulletin board system where all participants share the same collection of bids.
(Page 8, lines 10-26; emphasis added.)

In view of the above, independent claims have been amended to require establishing a plurality of pull market segments in said secondary market, each of said pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants. The limitation, as amended, is *not* non-functional descriptive material; the limitation defines how the steps of the claim are performed.

Applicant therefore respectfully requests that the section 112 rejections be withdraw.

Independent Claims 1, 17 and 32

Independent claims 1, 17, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woolston in view of Gulati et al. and further in view of Gary. Regarding claims 1, 17, and 32, the Examiner asserts that Gulati discloses dividing by a processor said bid into a plurality of divided bids (FIGS. 20-22; col. 9, lines 12-25).

Applicant notes that independent claims 1, 17, and 32 have been amended to require *establishing a plurality of pull market segments in said secondary market, each of said pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants*. (Support for this amendment can be found on page 8, lines 10-26, of the originally filed disclosure.) None of the cited references disclose or suggest *establishing a plurality of pull market segments in a secondary market, each of the pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants*.

Thus, Woolston, Gulati, and Gary, alone or in combination, do not disclose or suggest establishing a plurality of pull market segments in said secondary market, each of said pull market segments having at least one market participant, wherein each pull market segment is based on one or more push market segments defined by other market participants, as required by independent claims 1, 17, and 32, as amended.

Dependent Claims

Claims 2, 4, and 5 and claims 18, 20, and 21 are dependent on independent claims 1 and 17, respectively, and are therefore patentably distinguished over Woolston, Gulati et al., and Gary, alone or in combination, because of their dependency from amended independent claims 1 and 17 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1, 2, 4, 5, 17, 18, 20, 21, and 32, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

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Respectfully submitted,



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